

1. Defendants are presently required to file responsive pleadings to the State of Oklahoma's Motion to Expand the Discovery Period [Dkt. #1418].

2. To foster coordination and efficiency among all parties, Defendants request that the deadline for Defendants to respond to the State of Oklahoma's Motion to Expand the Discovery Period be set for March 21, 2008.

3. This is the second request for extension made by the Defendants as to this Motion. On January 7, 2008, the Defendants filed their Opposed Joint Motion and Integrated Brief in Support Thereof to Expand the Time to Respond to State of Oklahoma's Motion to Expand the Discovery Period (Dkt. #1418) [Dkt. #1438].

4. On January 30, 2008, the Court held a telephone hearing on Defendants' first Motion to Expand. In consideration for the burden that would be placed upon the Defendants if they were required to respond to Plaintiffs' Motion to Expand the Discovery Period while preparing for the Preliminary Injunction hearing, the Court issued an Order on February 1, 2008, granting Defendants' Opposed Motion, permitting Defendants to file their Response to the State's Motion [Dkt. #1418] by March 10, 2008 [Dkt. #1502].

5. While the Defendants agree that this issue should be heard by the Court at an appropriate time, the circumstances which warranted this Court to grant an extension of the original response are no different than those which exist today. Since February 19, 2008, the Defendants have been participating in and preparing for the hearing State of Oklahoma's Motion for Preliminary Injunction, which was originally set to be completed by March 5, 2008. However, that hearing was postponed due to the illness of the Judge. It is anticipated that the Hearing will now conclude on or about March 12, 2008, which is two days beyond the date the Defendants' Response brief is due under the Court's February 1, 2008 Order.

6. Requiring the Defendants to respond to the State's Motion to Expand the Discovery Period (Dkt. # 1418) in light of the unscheduled delays in the hearing on Plaintiffs' Motion for Preliminary Injunction would place an excessive burden upon the Defendants. It is due to this excessive burden that Defendants seek relief pursuant to Fed. R. Civ. P. 6(1)(A). This rule "must be liberally construed in order that litigants be given opportunity to be heard and given their day in court so that justice may be served." *Anderson v. Stanco Sports Library, Inc.*, D.C.S.C. 1971, 52 F.R.D. 108 (1971).

7. Although the Parties have continued to engage in discussions to negotiate this matter without the Court's intervention, they have not yet come to an agreement.

8. Notwithstanding the Parties' negotiations, the Plaintiff does not agree to the requested extension for Defendants.

9. The undersigned counsel has been authorized to make this Motion to the Court on behalf of all Defendants.

10. In consideration of the issues identified above, the extension of time sought by Defendants is made in good faith and not for the purpose of delay. Counsel for Defendants need additional time in which to complete their review and investigation of Plaintiffs' Motion, confer with client representatives, and prepare and file their appropriate responses.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Unopposed Motion to Expand the Time to Respond to the State of Oklahoma's Motion to Expand the Discovery Period (Dkt. #1418) until March 21, 2008.

Respectfully submitted,

By /s/ Nicole M. Longwell

A. Scott McDaniel (Okla. Bar No. 16460) smcdaniel@mhla-law.com

Nicole M. Longwell (Okla. Bar No. 18771) nlongwell@mhla-law.com

Philip D. Hixon (Okla. Bar No. 19121) phixon@mhla-law.com

Craig A. Mirkes (Okla. Bar No. 20783) cmirkes@mhla-law.com

McDANIEL, HIXON, LONGWELL & ACORD, PLLC

320 South Boston Ave., Suite 700

Tulsa, Oklahoma 74103

(918) 382-9200

and

Sherry P. Bartley (Ark. Bar No. 79009)

Appearing Pro Hac Vice

MITCHELL, WILLIAMS, SELIG,

GATES & WOODYARD, P.L.L.C.

425 W. Capitol Ave., Suite 1800

Little Rock, Arkansas 72201

(501) 688-8800

**COUNSEL FOR DEFENDANT
PETERSON FARMS, INC.**

BY: /s/ Robert W. George

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

ROBERT W. GEORGE, OBA #18562

MICHAEL R BOND

ERIN WALKER THOMPSON

KUTAK ROCK LLP

The Three Sisters Building

214 West Dickson Street

Fayetteville, AR 72701-5221

-and-

STEPHEN L. JANTZEN, OBA #16247

PATRICK M. RYAN, OBA #7864

PAULA BUCHWALD, OBA # 20464

RYAN, WHALEY & COLDIRON, P.C.

119 North Robinson

900 Robinson Renaissance

Oklahoma City, OK 73102

-and-

THOMAS C. GREEN, ESQ.

MARK D. HOPSON, ESQ.

TIMOTHY K. WEBSTER, ESQ.

JAY T. JORGENSEN, ESQ.

SIDLEY AUSTIN LLP

1501 K Street, N.W.

Washington, D.C. 20005-1401

**ATTORNEYS FOR TYSON FOODS, INC.; TYSON
POULTRY, INC.; TYSON CHICKEN, INC.; AND
COBB-VANTRESS, INC.**

BY: /s/ John H. Tucker

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

THERESA NOBLE HILL, OBA #19119

JOHN H. TUCKER, OBA #9110

COLIN H. TUCKER, OBA #16325

RHODES, HIERONYMUS, JONES,

TUCKER & GABLE

P. O. BOX 21100

100 WEST 5TH STREET, SUITE 400

Tulsa, OK 74121-1100

**ATTORNEYS FOR CARGILL, INC., and CARGILL
TURKEY PRODUCTION, LLC**

BY: /s/ R. Thomas Lay

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

R. THOMAS LAY, OBA #5297
KERR, IRVINE, RHODES & ABLES
201 Robert S. Kerr Ave., Suite 600
Oklahoma City, OK 73102

-and-

JENNIFER S. GRIFFIN
LATHROP & GAGE, L.C.
314 East High Street
Jefferson City, MO 65101

ATTORNEYS FOR WILLOW BROOK FOODS, INC.

BY: /s/ Randall E. Rose

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

RANDALL E. ROSE, OBA #7753
GEORGE W. OWENS, ESQ.
OWENS LAW FIRM, P.C.
234 W. 13th Street
Tulsa, OK 74119

-and-

JAMES M. GRAVES
GARY V. WEEKS
BASSETT LAW FIRM
P. O. BOX 3618
FAYETTEVILLE, AR 72702-3618

**ATTORNEYS FOR GEORGE'S, INC. AND
GEORGE'S FARMS, INC.**

BY: /s/ John R. Elrod

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

JOHN R. ELROD, ESQ.
VICKI BRONSON, OBA #20574
CONNER & WINTERS, PLLC
211 E. Dickson Street
Fayetteville, AR 72701

-and-

BRUCE W. FREEMAN
CONNER & WINTERS, L.L.P.
1 Williams Center, Room 4000
Tulsa, OK 74172

ATTORNEYS FOR SIMMONS FOODS, INC.

BY: /s/ Robert P. Redemann

(SIGNED BY FILING ATTORNEY WITH
PERMISSION)

ROBERT P. REDEMANN, OBA #7454

LAWRENCE W. ZERINGUE, OBA # 9996

DAVID C. SENGER, OBA #18830

PERRINE, MCGIVERN, REDEMANN, REID, BERRY &
TAYLOR, P.L.L.C.

P. O. BOX 1710

Tulsa, OK 74101-1710

-and-

ROBERT E. SANDERS

STEPHEN WILLIAMS

YOUNG WILLIAMS P.A.

P. O. BOX 23059

JACKSON, MS 39225-3059

**ATTORNEYS FOR CAL-MAINE FARMS, INC. AND
CAL-MAINE FOODS, INC.**

CERTIFICATE OF SERVICE

I certify that on the 7th day of March 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Tina L. Izadi, Assistant Attorney General
Daniel Lennington, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
tina_izadi@oag.state.ok.us
daniel.lennington@oak.ok.gov

Douglas Allen Wilson
Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
David P. Page
Riggs Abney Neal Turpen Orbison & Lewis

doug_wilson@riggsabney.com,
driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
dpage@riggsabney.com

Robert Allen Nance
Dorothy Sharon Gentry
Riggs Abney

rnance@riggsabney.com
sgentry@riggsabney.com

J. Randall Miller

rmiller@mkblaw.net

Louis W. Bullock
Robert M. Blakemore
Bullock Bullock & Blakemore

lbullock@bullock-blakemore.com
bblakemore@bullock-blakemore.com

Michael G. Rousseau
Jonathan D. Orent
Fidelma L. Fitzpatrick
Motley Rice LLC

mrousseau@motleyrice.com
jorent@motleyrice.com
ffitzpatrick@motleyrice.com

Elizabeth C. Ward
Frederick C. Baker
William H. Narwold
Lee M. Heath
Elizabeth Claire Xidis
Ingrid L. Moll
Motley Rice

lward@motleyrice.com
fbaker@motleyrice.com
bnarwold@motleyrice.com
lheath@motleyrice.com
cxidis@motleyrice.com
imoll@motleyrice.com

COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen
Patrick M. Ryan
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pryan@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Gordon D. Todd
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
gtodd@sidley.com

Robert W. George
Michael R. Bond
Erin Walker Thompson
Kutak Rock LLP

robert.george@kutakrock.com
michael.bond@kutakrock.com
erin.thompson@kutakrock.com

**COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.,
AND COBB-VANTRESS, INC.**

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.

jgriffin@lathropgage.com

COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirmmpc.com
rer@owenslawfirmmpc.com

James M. Graves
Gary V. Weeks
Paul E. Thompson, Jr.
Woody Bassett
Jennifer E. Lloyd
Bassett Law Firm

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
pthompson@bassettlawfirm.com
wbassett@bassettlawfirm.com
jlloyd@bassettlawfirm.com

COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod
Vicki Bronson
P. Joshua Wisley
Conner & Winters, P.C.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com

Bruce W. Freeman
D. Richard Funk
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

bfreeman@cwlaw.com

John H. Tucker
Leslie J. Southerland
Colin H. Tucker
Theresa Noble Hill
Rhodes, Hieronymus, Jones, Tucker & Gable

jtuckercourts@rhodesokla.com
ljsoutherlandcourts@rhodesokla.com
chtucker@rhodesokla.com
thillcourts@rhodesokla.com

Terry W. West
The West Law Firm

terry@thewesetlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann Kleibacker Lee
Dara D. Mann
Todd P. Walker
Faegre & Benson LLP

dehrich@faegre.com
bjones@faegre.com
kklee@baegre.com
dmann@faegre.com
twalker@faegre.com

COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

Michael D. Graves
D. Kenyon Williams, Jr.
COUNSEL FOR POULTRY GROWERS

mgraves@hallestill.com
kwilliams@hallestill.com

William B. Federman
Jennifer F. Sherrill
Federman & Sherwood

wfederman@aol.com
jfs@federmanlaw.com

Charles Moulton
Jim DePriest
Office of the Attorney General

charles.moulton@arkansag.gov
jim.depriest@arkansasag.gov

**COUNSEL FOR THE STATE OF ARKANSAS AND THE ARKANSAS NATURAL
RESOURCES COMMISSION**

Carrie Griffith

griffithlawoffice@yahoo.com

COUNSEL FOR RAYMOND C. AND SHANNON ANDERSON

Gary S. Chilton
Holladay, Chilton & Degiusti, PLLC

gchilton@hcdattorneys.com

Victor E. Schwartz
Cary Silverman
Shook, Hardy & Bacon, LLP

vschwartz@shb.com
csilverman@shb.com

Robin S. Conrad
National Chamber Litigation Center, Inc.

rconrad@uschamber.com

**COUNSEL FOR AMICI CURIAE CHAMBER OF COMMERCE FOR THE U.S. AND THE
AMERICAN TORT REFORM ASSOCIATION**

Richard C. Ford
LeAnne Burnett
Crowe & Dunlevy

fordr@crowedunlevy.com
burnettl@crowedunlevy.com

COUNSEL FOR AMICUS CURIAE OKLAHOMA FARM BUREAU, INC.

M. Richard Mullins
McAfee & Taft

richard.mullins@mcafeetaft.com

James D. Bradbury
James D. Bradbury, PLLC

jim@bradburycounsel.com

**COUNSEL FOR AMICI CURIAE TEXAS FARM BUREAU, TEXAS CATTLE FEEDERS
ASSOCIATION, TEXAS PORK PRODUCERS ASSOCIATION AND TEXAS ASSOCIATION
OF DAIRYMEN**

Mia Vahlberg
Gable Gotwals

mvahlberg@gablelaw.com

James T. Banks
Adam J. Siegel
Hogan & Hartson, LLP

jtbanks@hhlaw.com
ajsiegel@hhlaw.com

**COUNSEL FOR AMICI CURIAE NATIONAL CHICKEN COUNCIL, U.S. POULTRY & EGG
ASSOCIATION AND NATIONAL TURKEY FEDERATION**

John D. Russell
Fellers, Snider, Blankenship, Bailey & Tippens, P.C.

Jrussell@fellerssnider.com

William A. Waddell, Jr.
David E. Choate
Friday, Eldredge & Clark, LLP

waddell@fec.net
dchoate@fec.net

COUNSEL FOR AMICUS CURIAE ARKANSAS FARM BUREAU FEDERATION

Barry G. Reynolds
Jessica E. Rainey
Titus Hills Reynolds Love Dickman & McCalmon

reynolds@titushillis.com
jraine@titushillis.com

William S. Cox, III
Nikaa B. Jordan
Lightfoot, Franklin & White, LLC

wcox@lightfootlaw.com
njordan@lightfootlaw.com

**COUNSEL FOR AMICUS CURIAE AMERICAN FARM BUREAU FEDERATION AND
NATIONAL CATTLEMEN'S BEEF ASSOCIATION**

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
**COUNSEL FOR TYSON FOODS, INC.,
TYSON POULTRY, INC., TYSON
CHICKEN, INC.; AND COBB-VANTRESS,
INC.**

Dustin McDaniel
Justin Allen
Office of the Attorney General of Arkansas
323 Center Street, Suite 200
Little Rock, AR 72201-2610
**COUNSEL FOR THE STATE OF
ARKANSAS AND THE ARKANSAS
NATURAL RESOURCES COMMISSION**

/s Nicole M. Longwell